

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 2 has been canceled.

New claim 12 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 3-12 are now pending in this application.

#### **Information Disclosure Statement**

Applicant acknowledges receipt of a signed and initialed copy of the PTO/SB/08 form submitted with an Information Disclosure Statement on May 11, 2005. Applicant notes that an Information Disclosure Statement and PTO/SB/08 form were also submitted on October 17, 2008. Applicant respectfully requests a signed and initialed copy of this PTO/SB/08 form with the next Office correspondence.

#### **Rejection under 35 U.S.C. § 102**

Claims 1-3, 6, 10, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,446,714 to Kaspar *et al.* (hereafter "Kaspar"). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Kaspar discloses a condenser that include a collecting tube 10 and a collector 14. See Kaspar at col. 2, lines 29-33, 51-64. The collector 14 includes round tube lengthened by a tube piece 19 at its lower end. See Kaspar at col. 2, lines 62-64.

The Office argues on page 2 of the Office Action that the collecting tube 10 of Kaspar includes a cover and a base. However, Kaspar does not disclose a condenser comprising, among other things, at least one multi-piece collecting tube comprising a base which is joined to a cover, wherein the base is configured to accommodate the ends of the tubes, as recited in claim 1. Claims 3, 6, 10, and 11 depend from claim 1.

Kaspar discloses that the collecting tube 10 is a one-piece tube, which advantageously provides a tube in its final shape so that no parts can be displaced with respect to one another. See Kaspar at col. 1, lines 45-50; col. 2, lines 29-31. Therefore, the collecting tube 10 disclosed by Kaspar is a one-piece collecting tube, not a multi-piece collecting tube, as recited in claim 1. Thus, Kaspar does not anticipate claims 1, 3, 6, 10, and 11 because Kaspar does not disclose all of the features of claim 1.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Rejections under 35 U.S.C. § 103**

Claims 1-4, 6, 10, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,946,940 to Inoue (hereafter “Inoue”) in view of Kaspar. This rejection is respectfully traversed.

Inoue discloses a condenser 1 that includes a receiver tank 2 and a header tank 4. See Inoue at col. 3, lines 49-61; Figures 3A and 3B. Inoue discloses that the receiver tank 2 can be formed by machining a single sheet of aluminum 29 to form a tank primary body 32 with communicating passages 35, 36 formed at a bonding margin 31 of the sheet 29. See Inoue at col. 5, line 16, to col. 6, line 29. Inoue discloses that the header tank 4 is formed by the plate material 29 and by a tube insertion plate 49, which permits the shape of the header tank 4 and positions of the communicating passages 35, 36 to be varied. See Inoue at col. 7, line 31, to col. 8, line 11. However, as noted on page 4 of the Office Action, Inoue does not disclose or suggest a multi-piece collector that comprises, as separate pieces, a tube and a profile piece having the connecting openings, wherein the profile piece has an integrally formed first cover part which forms at least part of the cover, as recited in claim 1, because the receiver tank 2 of Inoue is formed by a single sheet of aluminum 29.

As discussed above in regard to claim 1, Kaspar discloses a condenser that include a collecting tube 10 and a collector 14, wherein the collecting tube 10 is a one-piece tube. Kaspar teaches that a one-piece collecting tube 10 advantageously provides a tube in its final shape to that no parts can be displaced with respect to one another. See Kaspar at col. 1, lines 45-50; col. 2, lines 29-31.

Both Inoue and Kaspar Teach Against the Office's Combination

The Office argues on pages 4-5 of the Office Action that it would have been obvious to combine the teachings of Inoue and Kaspar to provide the condenser of claim 1. However, Inoue and Kaspar each teach against such a combination.

For example, Inoue discloses a header tank 4 formed by a plate material 29 and by a tube insertion plate 49. Inoue discloses that this permits the shape of the header tank 4 and positions of the communicating passages 35, 36 to be advantageously varied. See Inoue at col. 7, line 31, to col. 8, line 11. However, Kaspar discloses a one-piece collecting tube 10, which advantageously provides a tube in its final shape so that no parts can be displaced with respect to one another. See Kaspar at col. 1, lines 45-50; col. 2, lines 29-31. Thus, it would not have been obvious to combine the teachings of Inoue and Kaspar because Inoue teaches against the use of the collecting tube 10 structure disclosed by Kaspar and Kaspar also teaches against the header tank 4 structure disclosed by Inoue.

Furthermore, Inoue discloses single-piece receiver tank 2 formed by a single sheet of aluminum 29. Inoue discloses that this eliminates the need to perform further machining after the formation of the primary body 32 of the receiver tank 2. See Inoue at col. 1, lines 53-58; col. 6, lines 10-19. However, Kaspar discloses a condenser arrangement with a collector 14 that includes a round tube lengthened by a tube piece 19 at its lower end. Thus, it would not have been obvious to combine the teachings of Inoue and Kaspar because Inoue teaches against the use of the collector 14 structure disclosed by Kaspar by disclosing that a single-piece receiver tank 2 is advantageous over a multi-piece collector design.

In light of the teachings of Inoue and Kaspar, it would not have been obvious to combine the teachings of Inoue and Kaspar to provide the condenser of claim 1 because Inoue and Kaspar teach against the combination of these references. Without such a combination, the teachings of Inoue and Kaspar would be left individually. However, Inoue and Kaspar,

when considered individually, do not disclose or suggest all of the features of claim 1, for at least the reasons discussed above.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Claim 4

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaspar in view of Inoue. This rejection is respectfully traversed. As discussed above in regard to independent claim 1, from which claim 4 depends, Inoue and Kaspar teach against a combination of the teachings of Inoue and Kaspar. Thus, it would not have been obvious to combine the teachings of Inoue and Kaspar to provide the features of claim 4. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 5 and 7-9

Claims 5 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Kaspar, and further in view of U.S. Patent No. 5,537,839 to Burk *et al.* (hereafter “Burk”). This rejection is respectfully traversed. Burk fails to remedy the deficiencies of Inoue and Kaspar discussed above in regard to independent claim 1, from which claims 5 and 7-9 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 5 and 7-9

Claims 5 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaspar in view of Inoue, and further in view of U.S. Patent No. 5,537,839 to Burk *et al.* (hereafter “Burk”). This rejection is respectfully traversed. Burk fails to remedy the deficiencies of Kaspar and Inoue discussed above in regard to independent claim 1, from which claims 5 and 7-9 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

**New Claim**

New claim 12 has been added. Claim 12 depends from claim 1 and is allowable over the prior art for at least the reasons discussed above and for its respective additional recitations.

**CONCLUSION**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By P.D.S.

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